

Utah County Commission

County Building

GARY J. ANDERSON
Commissioner

MALCOLM H. BECK
Commissioner

BRENT C. MORRIS
Commissioner

RECEIVED

DEC 16 1988

Phone (801) 370-8200

WATER RIGHTS
SALT LAKE

100 East Center
Provo, Utah 84601

December 13, 1988

Mr. Robert Morgan
Utah State Engineer
Department of Natural Resources
1600 West South Temple
Salt Lake City, Utah 84116-3156

Dear Mr. Morgan:

The Utah County Commission thanks you for your kind hospitality and your willingness to listen to our concerns regarding the impending reduction of flow in the Provo River. Your commentaries indicated that you fully appreciate the seriousness of our concern regarding how this prospect will impact Utah County's environment and the health and welfare of its people.

As you no doubt noticed, we feel so strongly about the subject that we have not only required advice from our own county attorney, but have also employed independent private counsel, as well as sought assistance from area engineering and ecological experts. With that information we are firmly of the belief that minimum flows must be maintained in the Provo River and it would appear that the Bureau of Reclamation's estimate of 100 c.f.s. is bare minimum and that your office should accept that as the least flow that would be acceptable.

One factor that has disturbed us is the fact that the Bureau of Reclamation and the Provo River Water Users Association and certain Salt Lake County interests seem to think you are captive to their concept of the law and that you will delegate or forfeit your responsibility to them. They have spoken publicly as to what will be done as if it were a "fait accompli" and that your determination wasn't necessary. As elected officials we resent these conclusions by bureaucrats. We not only look upon your office as important, we also look upon your position as being determinative of many of the issues surrounding the River. In contrast, we believe those bodies who treat your office with a measure of disregard have no greater, if not fewer, rights than those of other vested interests of the River.

Mr. Robert Morgan
December 13, 1988
Page 2

It is our recommendation to you, which we urge with all deference your authority, that you instruct the Provo River Commission to require the Provo River's flow and distribution to be in accordance with the Morse Decree, (Civil No. 1888, in the Fourth Judicial District Court in and for Utah County) which is sometimes called the Provo River Decree. The provisions of this Decree should be honored and enforced unless and until there is an agreement to the contrary between the other downstream owners and the Salt Lake County interests. We are confident that a reasonable and diplomatic approach to the problem would resolve the issues by agreement rather than by high-handed usurpation of your authority.

We hope that you can appreciate how serious we are in our requests of you, however, we are deeply anxious that you know that we will take whatever steps we deem necessary to protect not only our county's ecological and environmental interests in the Provo River, but also our citizens fundamental interests and ownership rights in the River. We deem due process of law to be of critical importance in our American system of government and we will be quick to defend those basic principles.


Again, let me thank you for your hospitality.

Respectfully,

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, STATE OF UTAH


Malcolm H. Beck, Chairman


Gary J. Anderson


Brent C. Morris

BCM/sa